REMARKS

Claims 1-67 are all the claims pending in the application. By this Amendment, Applicant adds claims 61-67. New claims 61-67 contain no impermissible new matter, and are clearly supported throughout the originally filed specification, see e.g., pages 2, 9 and 12-13. To further clarify the invention, Applicant amends claims 1, 21 and 41.

Preliminary Matters

Applicant thanks the Examiner for initialing the references listed on Form 1449 submitted with the Information Disclosure Statement filed January 24, 2001.

Claim Rejections under 35 U.S.C. 103(a)

Claims 1-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,101,483 to Petrovich (hereinafter "Petrovich") in view of U.S. Patent No. 6,101,482 to DiAngelo (hereinafter DiAngelo). Applicant respectfully traverses this rejection and respectfully requests the Examiner to reconsider this rejection in view of the comments, which follow.

Of these claims, only claims 1, 21 and 41 are independent. This response will initially focus on these independent claims. Among a number of unique features of claim 1, as now amended, not taught or suggested by the prior art reference cited by the Examiner, are: "generating a private catalog for the transaction to record information about the object, and using the private catalog during the transaction to access the objects." The Examiner asserts that claim 1 is directed to a method for executing a statement to manipulate data stored in a data store and is obvious over Petrovich in view of DiAngelo. The Examiner asserts that Petrovich's multiple

shopping lists are similar to a private catalog, as set forth in claim 1 (see page 2 of the Office Action).

The Examiner did not indicate which features are missing in the Petrovich's reference but are taught by DiAngelo. In making this rejection of claim 1, the Examiner did not link the claim features to the prior art references. Instead, the Examiner provided a summary of the teachings of the two references (see pages 2-4 of the Office Action). Applicant has carefully studied Petrovich's discussion of the personal shopping system portable terminal and DiAngelo's discussion of the universal shopping cart. Taken alone or in any conceivable combination, these are not similar to "generating a private catalog for the transaction to record information about the objects, and using the private catalog during the transaction to access the objects."

In the conventional system, when the user requests to delete an object from a user database, for example, the system will access a catalog (system database) to acquire the location of the object and then go to the user database and delete the object at that location. Then, the system database updates its catalog to reflect that the object is no longer at that location. However, once the system accesses the catalog, a lock is placed on that database disallowing other transactional requests to access the catalog. This is inefficient.

In the method set forth in claim 1, however the following steps are implemented: "generating a private catalog for the transaction to record information about the objects; and using the private catalog during the transaction to access the objects." As a result, a lock is avoided by using this private catalog.

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Petrovich teaches a personal shopping system portable terminal, which improves the shopping database management. In particular, Petrovich teaches a system which reads barcodes associated with items related to shopping. This data is stored in a shopping list data base (e.g., items that need to be re-stocked, re-ordered, etc). The memory of a host computer can be configured to store multiple shopping lists corresponding to multiple shopping establishments (col. 2, lines 9 to 13, lines 50 to 59; col. 8, lines 30 to 52). In addition, if the item data is coming from a portable device, identification indicia may also be transmitted for security purposes (col. 5, lines 45-62; col. 9, lines 1 to 7). Also, Petrovich's system can send an audible or text query to verify the placed order (scanned in item). In addition, the system can check the phone number of the user identified by the identifying indicia and, if it does not match, cancel the order (col. 9, lines 12 to 39). Finally, Petrovich teaches updating the shopping list, once the items are acquired by the user.

Petrovich, however, is only remotely relevant to the subject matter of claim 1. Petrovich is directed to a personal shopping system portable terminal to facilitate shopping from remote locations. Petrovich is not related to "*a method for executing a statement to manipulate data stored in a data store connected to a computer*." This is simply not the focus of Petrovich's teachings. Petrovich does not teach or suggest generating a private catalog for a transaction to record information about the item. In Petrovich, the bar code is simply scanned and information about the item (read from the bar code) is stored in a shopping list. Petrovich does not teach or suggest how the shopping lists are generated or generating the shopping list for each scanned in item. In Petrovich, one shopping list is created for a number of items and this shopping list is

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used until all items are deleted from the list. In short, Petrovich teaches simple manipulations

with the shopping lists and fails to teach or suggest generating a private catalog for the

transaction.

Moreover, Petrovich fails to teach or suggest using the private catalog to access the

objects. The items are stored in the shopping list database and it is the shopping list that is

accessed (the portion of the database that stores the requested item). The shopping database is

not being used to access the items. Perhaps this point is best illustrated by way of an example.

To access a certain chapter in a book, the reader may use a table of contents. However, the book

is not being used to access a chapter in it. Similarly, the shopping list database contains items,

and it cannot be said that this shopping database is used to access the items. In short, Petrovich

fails to teach or suggest a number of unique features of claim 1. For example, Petrovich does not

teach or suggest generating a private catalog for the transaction to record information about the

object, and using the private catalog during the transaction to access the objects.

DiAngelo fails to cure the deficient teachings of Petrovich. DiAngelo teaches creating a

universal shopping cart to facilitate shopping on the Internet. In particular, DiAngelo teaches

collecting transaction information from a number of transactions and presenting the user with the

collected information for easy shopping (col. 2, line 61 to col. 3, line 12). However, DiAngelo is

not related to management of system databases. In fact, DiAngelo is in a different field of

endeavor. DiAngelo deals with a system and a portable terminal for ordering and supplying

selected goods and services using an improved data communication system and not with

generating private catalogs for a transactional statement.

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Moreover, DiAngelo teaches compiling the information so as to provide the user with one

list. DiAngelo fails to teach or suggest generating a private catalog for the transaction. In fact,

DiAngelo teaches just the opposite. DiAngelo teaches compiling one list from all of these

transactional sessions. Moreover, DiAngelo fails to teach or suggest a private catalog within the

meaning of claim 1. DiAngelo simply teaches gathering information from the website. In short,

DiAngelo is in a different field of endeavor and is not applicable to the subject matter of claim 1.

Finally, the Examiner alleges that there is motivation to combine the references to

facilitate a client-side shopping cart controlled by the user to facilitate Web commerce (page 3 of

the Office Action). However, "obviousness cannot be established by combing the teachings of

the prior art to produce the claimed invention, absent some teaching, suggestion or incentive

supporting the combination" In re Geiger, 2 U.S.P.Q.2d 1276, 1278 (Fed. Cir. 1987) (citing ACS

Hosp. Sys. v. Montefiore Hosp., 221 U.S.P.Q. 929. 933 (Fed. Cir. 1984).

Although a reference need not expressly teach that the disclosure contained therein

should be combined with another, the showing of combinability, in whatever form, must

nevertheless be "clear and particular." Winner International Royalty Corporation v. Ching-Rong

Wang, 202 F.3d 1340, 1348, 53 USPQ2d 1580, 1586-87 (Fed. Cir. 2000). Conclusory

statements such as common knowledge to one skilled in the art or common sense do not fulfill

the agency's obligation. In re Sang Su Lee, 277 F.3d 1338, 1345 - 46, 61 U.S.P.Q.2d 1430, 1438

(2002).

Petrovich teaches scanning in bar codes and sending information acquired from the barcodes to the shopping establishment. Petrovich is not concerned with web commerce and has nothing to do with web commerce. In fact, Petrovich attempts to facilitate shopping from a kiosk or a shopping establishment, e.g., by providing the user of a portable terminal with directions to the location of the next item. DiAngelo, on the other hand, teaches a method to facilitate web commerce by combining items browsed by the user into one list for easy comparing and ordering. One of ordinary skill in the art confronted with enhancing self checkout or shopping at multiple shopping establishments would not have turned to DiAngelo, which deals with electronic commerce and has nothing to do with the shopping establishments. In short, there is no motivation to combine the references in the manner suggested by the Examiner.

Therefore, "generating a private catalog for the transaction to record information about the objects, and using the private catalog during the transaction to access the objects," as set forth in claim 1 is not suggested or taught by the combined teaching of Petrovich and DiAngelo. Together, the combined teachings of these references would not have (and could not have) led the artisan of ordinary skill to have achieved the subject matter of claim 1. Since claims 2-20 are dependent upon claim 1, they may be patentable at least by virtue of their dependency.

Next, Applicant respectfully traverses this rejection with respect to independent claims 21 and 41. These independent claims, as now amended, recite: "generating a private catalog for the transaction to record information about the objects, and using the private catalog during the transaction to access the objects." This recitation is similar to the features argued above with respect to claim 1. Therefore, those arguments are respectfully submitted to apply with equal

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force here. For at least substantially the same reasons, therefore, Applicant respectfully requests

the Examiner to withdraw this rejection of independent claims 21 and 41. Claims 22-40 and 42-

60 are patentable at least by virtue of their dependency on independent claims 21 and 41,

respectively.

In addition, dependent claims 20, 40 and 60 recite: "wherein the statement comprises a

data definition language statement." Petrovich teaches using bar codes, and DiAngelo is not

related to management of databases. In short, Petrovich and DiAngelo, taken alone or in any

conceivable combination, do not teach or suggest the use of DDL. Therefore, for at least this

additional reason, dependent claims 20, 40 and 60 are patentable over Petrovich and DiAngelo.

New Claims

In order to provide more varied protection, Applicant adds claims 61-67. Claim 61 is

clearly patentable over the references cited by the Examiner at least because of its recitation of

"generating a private copy of system information for said at least one object". Claims 62-67 are

patentable at least by virtue of their dependency on claim 61.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed

to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly invited to contact the undersigned attorney at the telephone number listed below.

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Amendment Under 37 C.F.R. § 1.111
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The USPTO is directed and authorized to charge all required fees, except for the Issue

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Respectfully submitted,

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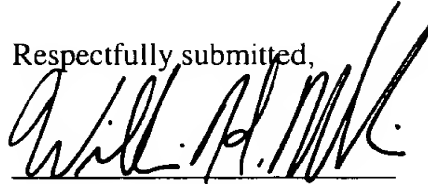
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